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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,985	10/13/1999	CHUAN-YU HSU	JCLA5185	8249

7590 12/03/2002

J C PATENT INC  
4 VENTURE  
SUITE 250  
IRVINE, CA 92618

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/417,985	HSU ET AL.
	Examiner Jerome Grant II	Art Unit 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 September 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,6-8,13 and 14 is/are rejected.

7) Claim(s) 2-5 and 9-12 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

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**Detailed Action**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1, 6-8, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto.

With respect to claim 1 and 8, Hashimoto teaches a method and apparatus for performing the method comprising a user interface (keyboard or host ST1) incorporated in a computer system coupled to scanner E for performing a scan operation on an original document, see page 26 para. 323, the computer system ST1 running a scanner driver (85 and 86) and an application program 85; determining a set of image processing settings (described at paragraph 268 by a scanner driving program that is suited for optimal scan of the original document, see also paragraph 323; activating the scanner to perform a scan operation on the original document based on the image processing setting to thereby obtain a primitive scanned image which is then transferred to the scanner driver, see paragraph 323, lines 14-18; activating the scanner driver to performance image enhancement process on the primitive scanned image to thereby obtain a quality enhanced image ( para. 323 lines 14-18, such as resolution enhancement) and transferring the quality enhanced image to the application program for use by the application program, see para. 326 and 327.

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With respect to claims 6 and 13, Hashimoto teaches the image editing program is resolution conversion, see para. 323.

With respect to claims 7 and 14, Hashimoto teaches the program 85 performs JPEG compression which may included picture and text data that are to be processed.

2. **Claims Objected**

Claims 2-5 and 9-12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Examiner's Response**

In an interview conducted with Mr. Huang on Nov. 25, 2002, it was determined that lines 4-8 of claim 1 are not alleged to be supported by the reference of record. Furthermore, the limitations in claim 8, lines 4, 5 and 9-12 are not alleged to be supported by the reference of record.

Regarding claim 1, Hashimoto teaches determining a set of image processing settings for a scanner driver program. This procedure is described at paragraph 268 by a scanner driving program that is suited for optimal scan of the original document, see also paragraph 323. Hashimoto teaches obtaining a primitive scanned image via the scan program.

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Hashimoto teaches activating the scanner to perform a scan operation on the original document based on the image processing setting to thereby obtain a primitive scanned image which is then transferred to the scanner driver, see paragraph 323, lines 14-18.

Regarding claim 8, applicant alleges Hashimoto does not provide a scanner driving program for driving the scanner and performing image enhancement. Hashimoto teaches the computer system ST1 running a scanner driver (85 and 86) and an application program 85. Regarding lines 9-12, Hashimoto teaches determining a set of image processing settings for a scanner driver program. This procedure is described at paragraph 268 by a scanner driving program that is suited for optimal scan of the original document, see also paragraph 323. Hashimoto teaches obtaining a primitive scanned image via the scan program.

Hashimoto teaches activating the scanner to perform a scan operation on the original document based on the image processing setting to thereby obtain a primitive scanned image which is then transferred to the scanner driver, see paragraph 323, lines 14-18.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II

Nov. 25, 2002

*JEROME GRANT II*  
PTO/PL/ML/AM/MS